

Notice of Allowability

Application No.	09/940,977	Examiner	Fred Prince
Applicant(s)	JENSEN, KYLE R.	Art Unit	1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to September 29, 2003.

☒ The allowed claim(s) is/are 8-10, 14, 15-27, and 29-41 (renumbered as 1-29).

☒ The drawings filed on 28 August 2001 are accepted by the Examiner.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. _____.

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☒ Information Disclosure Statements (PTO-1449), Paper No. 0903

☐ Examiner's Comment Regarding Requirement for Deposit

of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☒ Interview Summary (PTO-413), Paper No. _____

6 ☒ Examiner's Amendment/Comment

8 ☐ Examiner's Statement of Reasons for Allowance

9 ☐ Other

FRED G. PRINCE
PRIMARY EXAMINER
10/30/03

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jacqueline Hartt on October 29, 2003.

The application has been amended as follows:

Claims 1-7, 11-13, and 15 have been canceled.

2. The following is an examiner's statement of reasons for allowance:

Claims 8, 14, 16, 18, 27, 34, and 36 are allowed for the reasons presented by the

examiner in the first Office Action.

Per claims 20, 38, and 40, in the examiner's opinion, the prior art fails to teach or fairly suggest the combination of steps or elements recited, particularly the ozone-exposing step liberating or oxidizing nutrients. The instant invention has the benefit of allowing

greater bioassimilation of the nutrients by the algae.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fred Prince whose telephone number is (703) 306-

9169. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt.

Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Blaine R. Copenheaver can be reached on (703) 308-1261. The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

0661.

Fred G. Prince
FRED G. PRINCE
PRIMARY EXAMINER
10/30/03